



CITY OF MORGAN HILL

**MORGAN HILL REDEVELOPMENT AGENCY
CITY COUNCIL**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Larry Carr, Vice-Chair
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

CITY COUNCIL

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Hedy L. Chang, Council Member
Steve Tate, , Council Member
Larry Carr, Council Member

WEDNESDAY, NOVEMBER 28, 2001

JOINT AGENDA

**REDEVELOPMENT AGENCY SPECIAL AND REGULAR MEETING
and
CITY COUNCIL SPECIAL MEETING**

*A Special Meeting Is Called for Wednesday, November
28, 2001, 6:30 P.M. for the Purpose of Conducting Closed
Sessions.*

Dennis Kennedy, Chairperson/Mayor

6:30 P.M.

CALL TO ORDER

(Chairperson/Mayor Kennedy)

ROLL CALL ATTENDANCE

(Agency Secretary/City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Agency Secretary/City Clerk Torrez)

OPPORTUNITY FOR PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE
TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A
SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE AGENCY SECRETARY/CITY CLERK.
THE AGENCY SECRETARY/CITY CLERK WILL FORWARD CORRESPONDENCE TO THE
REDEVELOPMENT AGENCY/CITY COUNCIL.**

City Council Action

CLOSED SESSIONS:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Section 54956.9(b) & (c)

Number of Potential Cases: 3

City Council and Redevelopment Agency Action

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of
Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner,
special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Santa Clara County Superior, No. CV 799179; USDC Northern California No.
C01-20857 RMW

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)

Name of Case: Hacienda Valley Mobile Estates v. City of Morgan Hill et al.

Case No: C 01-20976 PVT, United States District Court, Northern District of California

Attendees: City Council, City Manager, City Attorney

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION:

RECONVENE:

CLOSED SESSION ANNOUNCEMENT:

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

Recreation

Nancy Harris, Office Assistant I
Margarita Huertas-Balagso, Management Analyst

PROCLAMATION

National Family Week

November 18 - 24, 2001

PRESENTATION

Flag Flown Over World Trade Center

Captain Sullivan

RECOGNITION

Fire Chief Douglas Sporleder Retirement

Community & Cultural Center Groundbreaking Event

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 through #3 Agenda Items #4 through #6 and Agenda Items #7 through #16 may be acted upon with one motion, a second and the vote by each respective agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Redevelopment Agency Action

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
1)	<u>OCTOBER 2001 FINANCE AND INVESTMENT REPORT</u> <u>Recommended Action(s): Accept and File</u> Report.	1
2)	<u>APPROVE SPECIAL REDEVELOPMENT AGENCY CLOSED SESSION MEETING MINUTES</u> <u>FOR NOVEMBER 7, 2001</u>	13
3)	<u>APPROVE SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR NOVEMBER 7,</u> <u>2001</u>	15

Redevelopment Agency and City Council Action

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
4)	<u>TRANSFER OF COMMUNITY CENTER PROPERTY</u> 17 Recommended Action(s): 1. <u>Authorize</u> the Redevelopment Agency Director to Execute Any and All Necessary Documents to Transfer to the City the Property Located on E. Dunne and Monterey Road Commonly Known as the Community Center site; and 2. <u>Authorize</u> the City Manager of the City of Morgan Hill to Execute Any and All Necessary Documents to Accept the Property Commonly Known as the Community Center Site on E. Dunne and Monterey Road.	
5)	<u>APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL, AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR NOVEMBER 7, 2001</u> 19	
6)	<u>APPROVE JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR NOVEMBER 16, 2001</u> 39	

City Council Action

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
7)	<u>OCTOBER 2001 FINANCE AND INVESTMENT REPORT</u> 41 Recommended Action(s): <u>Accept and File</u> Report.	
8)	<u>METROPOLITAN TRANSPORTATION COMMISSION DEPOT STREET PLANNING GRANT</u> 67 Recommended Action(s): <u>Authorize</u> the City Manager to Do Everything Necessary and Appropriate to Accept and Implement a \$50,000 Planning Grant from the Metropolitan Transportation Commission.	
9)	<u>AWARD PURCHASE ORDER FOR INSTALLATION OF CHAIN LINK FENCE AT INTERIM BMX PARK PROJECT</u> 79 Recommended Action(s): <i>Requires 2/3 affirmative vote –</i> 1. In Accordance with Section 3.04.150A of City Code, <u>Determine</u> the Competitive Bid Process for the Installation of the Chain Link Fence at the Interim BMX Park Project Would Not Likely Result in a Lower Price to the City from a Responsible Bidder and/or Would Cause Unnecessary Expense or Delay of the Project; and 2. <u>Approve</u> Purchase Order in the Amount of \$9,100 with Diamond Fence Company, Inc. for Installation of the New 6 Foot High Chain Link Fence for the Interim BMX Park Project.	
10)	<u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR PARCEL MAP 710 M 48 & 49, MORGAN MEADOWS PHASE I</u> 83 Recommended Action(s): <u>Adopt</u> Resolution No. 5536 Accepting the Subdivision Improvements included in Parcel Map 710 M 48 & 49, commonly Known as Morgan Meadows Phase I; and <u>Direct</u> the City Clerk to File a Notice of Completion with the County Recorder's Office.	

11)	<u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9130, OAK CREEK, PHASE III</u>	89
	<u>Recommended Action(s):</u>	
	1. <u>Adopt</u> Resolution No. 5537 Accepting the Subdivision Improvements included in Tract 9103, Commonly Known as Oak Creek Phase III; and	
	2. <u>Direct</u> the City Clerk to File a Notice of Completion with the County Recorder's Office.	
12)	<u>ACCEPT POLYBUTYLENE WATER SERVICE REPLACEMENT PROJECT, PHASE III</u>	95
	<u>Recommended Action(s):</u>	
	1. <u>Accept</u> as Complete the Polybutylene Water Service Replacement Project, Phase III in the Final Amount of \$253,538; and	
	2. <u>Direct</u> the City Clerk to File a Notice of Completion with the County Recorder's Office.	
13)	<u>COMMUNITY AND CULTURAL CENTER PROJECT OCTOBER CONSTRUCTION PROGRESS REPORT</u>	99
	<u>Recommended Action(s): Information Only.</u>	
14)	<u>CITY COUNCIL POLICIES AND PROCEDURES FOR NUISANCE ABATEMENT HEARINGS</u>	109
	<u>Recommended Action(s): Adopt</u> City Council Policy and Procedure for Nuisance Abatement Hearings.	
15)	<u>EMPLOYMENT AGREEMENTS WITH COUNCIL APPOINTEES</u>	115
	<u>Recommended Action(s):</u>	
	1. <u>Adopt</u> Resolution No. 5138 Amending the City Manager's Contract; and	
	2. <u>Adopt</u> Resolution No. 5139 Amending the City Attorney's Contract.	
16)	<u>APPOINTMENTS TO THE DOWNTOWN PLAN TASK FORCE</u>	121
	<u>Recommended Action(s): Approve</u> the Mayor's Appointments to the Downtown Design Plan Task Force.	

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
17)	5 minutes	<u>DEVELOPMENT AGREEMENT APPLICATION DA-01-05: SUNNYSIDE - SOUTH VALLEY DEVELOPERS</u>	151
		<u>Recommended Action(s):</u> Request staff presentation.	
		Public Hearing opened.	
		Please limit your remarks to 3 minutes. Public Hearing closed.	
		Council discussion.	
		Action-	<u>Motion to Waive</u> the Reading in Full of the Development Agreement Ordinance No. 1539, N.S.;
			<u>Motion to Introduce</u> Ordinance No. 1539, N.S. by Title Only.
18)	5 minutes	<u>DEVELOPMENT AGREEMENT APPLICATION DA-01-04: CENTRAL - CENTRAL PARK PHASE V</u>	177
		<u>Recommended Action(s):</u> Request staff presentation.	
		Public Hearing opened.	
		Please limit your remarks to 3 minutes. Public Hearing closed.	
		Council discussion.	
		Action-	<u>Motion to Waive</u> the Reading in Full of the Development Agreement Ordinance No. 1540, N.S.;
			<u>Motion to Introduce</u> Ordinance No. 1540, N.S. by Title Only.

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
19)	60 minutes	<u>REPORT ON MANAGEMENT AND MAINTENANCE RECOMMENDATIONS FOR THE DOWNTOWN</u>	203
		<u>Recommended Action(s):</u>	
		1. <u>Accept</u> the Burnes Downtown Report; and	
		2. <u>Authorize</u> the Executive Director to Do Everything Necessary and Appropriate to Assist the Chamber of Commerce's Downtown Executive Committee (DEC) with Establishing a Main Street Program Including the Execution of an Agreement with a To-be-formed No-profit Corporation Representing the Interests of the Downtown, in an Amount Not to Exceed \$50,000.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
20)	90 minutes	<u>COMMUNITY INDOOR RECREATION CENTER - UPDATE</u>	255
		<u>Recommended Action(s):</u>	
		1. <u>Receive</u> Presentations of Matrix of City-wide Recreational Needs, City and YMCA Operational Models and Analysis and Discussion of City and YMCA Operational Models; and	
		2. <u>Provide</u> Staff Direction on Building Operational Model and Project Schedule.	
21)	5 minutes	<u>ORDINANCE REGULATING BOAT AND TRAILER PARKING AND STORAGE</u>	257
		<u>Recommended Action(s):</u>	
		1. <u>Defer</u> Review of the Ordinance Until Fiscal Year 2002-2003; OR	
		2. <u>Transfer</u> \$20,000 from the Unappropriated Balance of the General Fund to the Contract Services Account of the Planning Division to Fund This Study	
22)	5 minutes	<u>BUILDING PERMIT FREE REDUCTION FOR SOLAR AND ALTERNATE ENERGY PERMITS</u>	259
		<u>Recommended Action(s):</u>	
		1. <u>Council Discretion</u> ; and	
		2. Should the Council Wish to Subsidize the Fee for Solar and Alternative Installations, <u>Direct</u> Staff to Prepare an Amendment to Municipal Code allowing for Partial Cost Recovery and Providing for an Alternative Funding for the Revenue Shortfall.	

FUTURE AGENCY-INITIATED AGENDA ITEMS:

This is an Opportunity for Members of the Redevelopment Agency to Request Items for Future Agendas.
Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT